

ANTI-BRIBERY INITIATIVE

LONG TITLE

This initiative shall be known as the Anti-Bribery Initiative.

General Description:

This initiative prohibits using campaign funds for personal use, and enacts limits and restrictions on campaign donations for all candidates for an office of public trust in the State of Utah.

Highlighted Provisions:

This initiative:

1. prohibits use of campaign funds for any use that does not directly benefit the political campaign of the political candidate, and
2. enacts limits on campaign donations for all candidates for an office of public trust in the State of Utah, and
3. prohibits political donations from business entities and Unions.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-8-102, as last amended by Laws of Utah 1973, Chapter 196

Intent Statement.

It is the Intent of the People to exercise our collective right to reform our government, as allowed by the Utah State Constitution, Article I, Section 2, which states

that “*All political power is inherent in the people; and all free governments are founded on their authority for their equal protection and benefit, and they (the People) have the right to alter or reform their government as the public welfare may require.*” It has become apparent that the legislature as a whole is neither interested nor willing to pass meaningful reform when it comes to the unlimited campaign donations they are receiving. Utah is one of six states that currently allow an anything goes attitude when it comes to campaign contributions. In 2008 2.45 million dollars came from special interests from corporations totaling over 80% of the money for legislative campaigns. It is also noted that corporations are banned from donating to federal campaigns.

Since the legislature has failed to reduce or eliminate this prejudicial bias, The People choose to exercise their joint legislative authority under the Utah State Constitution Article VI Section 1

(1) The Legislative power of the State shall be vested in:

(a) a Senate and House of Representatives which shall be designated the Legislature of the State of Utah; and

(b) the people of the State of Utah as provided in Subsection.

The power of the People was reaffirmed in the unanimous Utah Supreme court decision Sevier Power v. Hansen No. 20080780, reaffirming the equal right of the People to legislate. In their opinion, they said “*It becomes clear, upon review of the constitutional provisions relating to the legislative power retained by the people, that the right to enact laws or modify them by initiative, or to reject them by referendum, is an important one. Although the legislature is the usual instrument by which the people express their collective will on matters of public policy, article VI, section 1 plainly contemplates an equivalent retention of power for direct action by citizens*”.

Being free from undue political pressure and corrupting biases, it is the intent of the People to use the initiative process (law making authority), to place limits on campaign contributions and prohibit the personal use of campaign funds. We recognize that the original intent of campaign donations were to help defray the cost of political campaigns. We also recognize that business entities and Unions are not, and can not be registered voters, and that it is proper that they be prohibited from donating to a candidate

for whom they can not vote. To that end, it is the intent of the People to limit them to that purpose and that purpose only.

Be it enacted by the People of the state of Utah:

Section 76-8-102 is amended to read:

76-8-102. Campaign contribution limits and restrictions not prohibited.

~~Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of an offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.~~

(1) A candidate or former candidate, officer holder or former office holder of an office of public trust in the State of Utah shall not:

(a) Use campaign funds for any use that does not directly benefit the political campaign of that person;

(b) Solicit or accept campaign contributions which exceed \$1,000 per individual, political action committee, political issue committee or political party during a calendar year;

(c) Solicit or accept campaign contributions from business entities; or

(d) Solicit or accept campaign contributions from Unions.

(2) Any person who violates any portion of this section is guilty of a class C misdemeanor:

(a) Subsequent violations after initial conviction of this section are a class A misdemeanor.

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Statement

It is not anticipated that any signature gatherers will be paid for their services.